

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN KING, JR.,) No. C 09-2405 JSW (PR)
Plaintiff,)
v.) **ORDER OF DISMISSAL AS
FILED IN ERROR; NO FEE IS
DUE**
CALIFORNIA MEDICAL FACILITY,)
Defendant.)

Plaintiff, a California prisoner, filed a letter with the Court, which the Clerk construed as a pro se civil rights action under 42 U.S.C § 1983. Plaintiff was sent a complaint and a motion to proceed *in forma pauperis* by the Clerk and informed that he must file such documents within thirty days and that his failure to do so would result in dismissal of this action. Plaintiff promptly responded to the Court's information by notifying the Court that he was not seeking to file a complaint, stating that he "decline[s] to file a civil action." In light of Plaintiff's prompt response to the Court, it appears that this action was opened in error and is now DISMISSED. As a result, no filing fee is due. The Clerk shall close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: October 14, 2009

JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOHN KING,

Case Number: CV09-02405 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

CALIFORNIA MEDICAL FACILITY

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 14, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John King
California Medical Facility
P.O. Box
P32616
Vacaville, CA 95696

Dated: October 14, 2009

Jennifer Ottolini
Richard W. Wiking, Clerk
By: Jennifer Ottolini, Deputy Clerk